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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/667,072 | 09/21/2000 | Jin Soo Lee | P-128 | 9016 |

37803 7590 05/23/2006

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EXAMINER

TRAN, PHILIP B

ART UNIT PAPER NUMBER

2155

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|-------------------------------|----------------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 09/667,072 | Applicant(s) LEE ET AL. | |
| | Examiner Philip B. Tran | Art Unit 2155 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

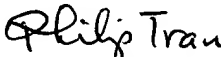
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 13-18.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 4/14/2006
13. ☐ Other: _____


Philip Tran
Primary Examiner
AU 2155

Continuation of 11. does NOT place the application in condition for allowance because:

Specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize the following steps as recited in claims 13, 15 and 17 such as specifying a respective preference value for each browsing preference in the plurality of browsing preferences, wherein the respective preference value indicates relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre and assigning a respective preference value to each summary preference in the plurality of summary preferences, the respective preference value indicating relative priority for selecting the corresponding summary preference for browsing multimedia content of the first genre. Therefore, claims 13, 15 and 17 are unclear that the one ordinarily skilled in the art cannot recognize the encompassed claimed limitations.

Also, undue experimentation would be needed to specify a respective preference value for each browsing preference in the plurality of browsing preferences, wherein the respective preference value indicates relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre and assign a respective preference value to each summary preference in the plurality of summary preferences, the respective preference value indicating relative priority for selecting the corresponding summary preference for browsing multimedia content of the first genre.

Applicant argues that claim 13 limitations are described in the instant specification including Figs. 3-4 and Pages 4-5 & 10. The examiner respectfully disagrees. The instant specification may disclose browsing preference and weight value. However, there is nowhere in the instant specification explicitly describing the respective preference value indicates relative priority for using the corresponding browsing multimedia content of the first genre as claimed in claim 13.

Applicant also argues that claims 15 and 17 are described in the instant specification including Figs. 3-8 and Page 9. The examiner respectfully disagrees. The instant specification may disclose browsing preference and weight value. However, there is nowhere in the instant specification explicitly describing the respective preference value indicates relative priority for using the corresponding browsing multimedia content of the first genre as claimed in claims 15 and 17. In addition, there is nowhere in the instant specification explicitly describing the browsing preferences assign a respective preference value to each summary preference in the plurality of summary preferences as claimed in claims 15 and 17.

The examiner respectfully maintain that Sezan teaches a method of describing user preferences pertaining to navigation of and access to multimedia content, the method comprising providing user preference information in a user profile, the user preference information describing browsing preference information that specifies a plurality of browsing preferences, a first genre to which the plurality of browsing preferences apply. For example, Sezan discloses a user description scheme provides information regarding the user's preferences for using in combination with other description schemes to enhance ability to search and browse audiovisual information in a personalized and effective manner [see Abstract and Col. 1, Lines 55-67 and Col. 5, Line 37 to Col. 6, Line 22 and Col. 11, Lines 7-22 and Col. 21, Line 30 to Col. 24, Line 33]. Sezan does not explicitly teach a respective preference value for each browsing preference in the plurality of browsing preferences, wherein the respective preference value indicates relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre. However, Williams, in the same field of multimedia content processing and retrieval related to user's preferences endeavor, discloses the use of weight value in retrieving multimedia information related to user's preferences [see Williams, Col. 9, Line 31 to Col. 10, Line 59]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of weight value in obtaining appropriate multimedia information according to user's preference, disclosed by Williams, into user-preferred application description scheme stored in the user profile disclosed by Sezan in order to indicate user preferences regarding the relative importance of that features. Thus, multimedia contents can be efficiently browsed and retrieved in priority manner based on the ranking of objects predefined by user preferences [see Williams, Col. 9, Line 31 to Col. 10, Line 59].

In response to Appellant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. See *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. See *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. See *In re Bozek*, 163 USPQ 545 (CCPA) 1969. Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. See *In re Bode*, 193 USPQ 12 (CCPA 1977). In this case, the reason for combining reference Sezan and Williams is that to incorporate the use of weight value in obtaining appropriate multimedia information according to user's preference, disclosed by Williams, into user-preferred application description scheme stored in the user profile disclosed by Sezan in order to indicate user preferences regarding the relative importance of that features. Thus, multimedia contents can be efficiently browsed and retrieved in priority manner based on the ranking of objects predefined by user preferences [see Williams, Col. 9, Line 31 to Col. 10, Line 59].